

REMARKS

INTRODUCTION:

Claims 142 and 149-174 are pending and under consideration. Reconsideration is requested.

OBVIOUSNESS TYPE DOUBLE PATENTING REJECTION:

On pages 2-3 of the Office Action, the Examiner rejects claims 142, 149-151 and 153 under the judicially created doctrine of obviousness-type double patenting in view of claim 26 of U.S. Patent No. 6,389,569. In view of the enclosed Terminal Disclaimer, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

STATUS OF CLAIMS NOT REJECTED:

On page 3 of the Office Action, the Examiner allows claims 155-164 and objects to claims 152, 154, and 165-174 as depending from rejected claims.


CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: JUNE 22, 2005

CERTIFICATION OF TITLE

The evidentiary documents have been reviewed and the undersigned certifies that, to the best of said Assignee's knowledge and belief, title of the above-identified application and the U.S. Patent No. 6,389,569 are in the said Assignee.

TERMINAL DISCLAIMER

Assignee hereby disclaims the terminal part of the statutory term of any patent, granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,389,569, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,389,569. This agreement runs with any patent granted on the above-identified application and is to be binding upon the grantee, its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,389,569 in the event that U.S. Patent No. 6,389,569 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FEE

The requisite disclaimer fee under 37 C.F.R. §1.20(d) of \$130.00 is attached hereto.

Date: 6/24/05

By: 

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